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**MAILED**

**OCT 15 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Nakatsuka et al.	:	DECISION ON PETITION TO
Application Number: 10/030694	:	WITHDRAW HOLDING OF
Filing Date: 01/14/2002	:	ABANDONMENT
Attorney Docket Number: Q67547	:	
	:	

This is a decision on the petition filed on August 11, 2004, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on July 28, 2004, stating that the application was abandoned for failure to response to the Office action requiring restriction and/or election mailed on December 17, 2003.

Petitioner asserts that a timely and proper response to the Office action was filed.

A review of the record reveals that on December 17, 2003, the Office action requiring restriction and/or election was mailed, setting a one (1)-month shortened statutory period for reply. On January 16, 2004, a response to the restriction requirement was filed.

As such, the showing of record is that petitioner did file a timely and proper response to the Office action mailed December 17, 2003.

Consequently, the showing of record is that a proper response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is **withdrawn**, and the Notice of Abandonment is **vacated**.

The application is being referred to Technology Center Art Unit 1624 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Office of Petitions